IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 16903 of 2004

Between:
1 Angadala Phani Kumar, S/o. Ramakrishna,
R/o. Rudraaram, Machilipatnam (M)
Krishna District.
2 Kavuri Ramalingaiah S/o. Suryanaryana
R/o. Gundupalem, Machilipatnam (M) Krishna District.
..... PETITIONERS

AND

1 The District Collector, Krishna District, Machilipatnam.
2 The Executive Engineer, Irrigation Circle, (East Canal) Vijayawada, Krishna District.
3 The Dy. Executive Engineer, Irrigation Dept., Machilipatnam, Krishna District.
4 The Revenue Divisional Officer, machilipatnam, Krishna District.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order, or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent authorities in not supplying the water to the petitioners lands to cultivate and raise paddy crop in an extent of Ac.8-00, situated between the Dirshanakodu, Kothimrakodu and Rudravaram Channels, o f Machilipatnam Mandal, Krishna District, is illegal, arbitrary, unconstitutional, violative of Art 14 & 21 of Constitution of India, and also violative of Act 15 of 1984, consequently direct the respondents to regulate the water supply system, and supply water equally to all the ayacutadars of the above channels forthwith, and to pass.

Counsel for the Petitioner: MR.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.16903 OF 2004

ORDER:

The petitioners claim to be the small and marginal farmers carrying on agricultural operations in Rudravaram and Gundupalem villages of Machilipatnam Mandal of Krishna District. It is stated that they are the ayakatdars under Dirshnakodu, Kothimirakonu and Rudravaram irrigation channels which are connected to the Bandar main channel. It is stated that in the month of July, 2004, the respondent authorities have announced that all the ayacutdars attached to Bandar main channel will be supplied water through the field channels. In pursuance of the same the petitioners and other ayacutdars raised seed beds. Thereafter, though water has been released by the respondent authorities, some of the ryots whose lands are situated at the upstream point of channel started drawing the water unauthorisedly and they have been diverting the water by damaging the canal. In the circumstances, the petitioners made several representations before the respondents, explaining all the facts and requesting to take the necessary action and to ensure that water is supplied to the lands of the petitioners and other ayacutdars. One of such representations dated 15-09-2004 was addressed to the District Collector, Krishna marking copies to the Superintending Engineer, Irrigation Department and also to the Deputy Executive Engineer, Machilipatnam, the third respondent herein. The grievance of

the petitioners is that the respondents failed to take any action on the complaints made by them and consequently they are not in a position to carry on the agricultural operations.

It is to be noted that under the provisions of Andhra Pradesh Irrigation Utilization and Command Area Development Act, 1984, chapter-V deals with Regulation of Irrigation and Equitable Water Management. As per Section 19 of the said Act the Irrigation Officer is empowered to regulate the irrigation system which includes fixation of the time for letting out the water for irrigation, the duration of supply, the quantity of supply and the different areas to be supplied at different times. Under sub-section (2) of Section 19 of the Act, an appeal against the orders passed by the Irrigation Officer under sub-Section (1) shall lie to the District Collector. It is not in dispute that the third respondent, Deputy Executive Engineer is designated as an Irrigation Officer. In the circumstances, the third respondent as well as the first respondent who is the appellate authority are bound to look into the complaints made by the ayacutdars and pass appropriate orders in accordance with law.

Accordingly, I deem it appropriate to dispose of the writ petition with a direction to the third respondent to consider the representation of the petitioners dated 15.9.2004 and to pass appropriate orders in accordance with law after affording due opportunity to all the parties concerned, as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

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(G.ROHINI,J)

Date: 21.9.2004.
Note:
Issue C.C.in two (2) days.
B/o
Mdaa.

Copy to,

1 The District Collector, Krishna District, Machilipatnam.
2 The Executive Engineer, Irrigation Circle, (East Canal) Vijayawada, Krishna District.
3 The Dy. Executive Engineer, Irrigation Dept., Machilipatnam, Krishna District.
4 The Revenue Divisional Officer, machilipatnam, Krishna District.
5. Two C.Cs to G.P., for Irrigation & Command Area Development, High

Court of A.P., Hyderabad (OUT)
6. Two C.D.copies.